IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE NINETEENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 19424 of 2004

Between:

Smt.A.Sunitha W/o.Sri A.Venkateshwar Rao
Shop at Janwada Village
Sankarpally Mandal R.R.District.

..... PETITIONER

AND

The Revenue Divisional Officer Chevella Division, R.R. District
at Attapur Village, Rajendranagar Mandal, R.R.District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an Appropriate Writ, order or direction more particularly one in the nature of Writ of Mandamus and set aside the orders of the Respondents for non-supply of E.C.'s basing on the suspension order of the Respondent No.E/2418/2004 dt.30.9.2004 authorisation of the petitioner shop No.1 at Janwada Village, Sankarpally Mandal, R.R. District and consequently direct the respondents to supply the E.C.'s as usual.

Counsel for the Petitioner: MR.BOLLAM LINGAIAH YADAV

Counsel for the Respondent No.: GP FOR CIVIL SUPPLIES

The Court made the following :

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ORDER:

The present writ petition is filed by the petitioner questioning the suspension order of the respondents in E/2418/2004, dated 30-09-2004.

Learned counsel for the petitioner vehemently contended that no notice is given before passing the impugned order and therefore, it is violative of principles of natural justice.

Perused the order.

Pending enquiry, the licence of the petitioner was suspended for indulging in alleged inclandestine business. An appeal shall lie against the said order before the Joint-Collector. The jurisdiction of the authority to issue this impugned order, dated 30-09-2004 is not under challenge. The principles of natural justice require that notice should be given before passing a final order. The impugned order is not a final order, it is only a cancellation order of licence pending enquiry.

Therefore, the writ petition is disposed of with a direction to the petitioner to file an appeal before the Joint Collector, who is the appellate authority. The Joint Collector may consider the same and pass appropriate orders within a period of four weeks from the date of filing of the said appeal. No order as to costs.

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19-10-2004

klp/ghn

To

1. The Revenue Divisional Officer Chevella Division, R.R. District
   at Attapur Village, Rajendranagar Mandal, R.R.District.

2. 2CCs to G.P. for Civil Supplies, High Court buildings,

Hyderabad.(OUT).

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